

BEST AVAILABLE COPY**RECEIVED
CENTRAL FAX CENTER****NOV 28 2006****REMARKS**

Applicant has filed the present Supplemental Amendment and Response in reply to the outstanding Official Action of June 1, 2006, and the Applicant believes the Amendment and Response to be fully responsive to the Official Action for the reasons set forth below in greater detail.

Applicant notes that Applicant's representative spoke with the Examiner discussing this Supplemental Amendment and substitute claims.

Claims 11, 14, 15, 16, 24 and 26-36 have been cancelled herewith with any prejudice to the claims being reintroduced in a related application such as in a continuation application.

Claims 37-40 have been added to the application. Claims 37-40 are directed to the second embodiment of the invention as depicted in Figure 13 and described at pages 29-31. Independent Claim 37 is directed to a medical apparatus adapted for use with a capsulated medical apparatus, the capsulated medical device has an imager for obtaining an image. The medical apparatus is placed outside a body. The capsulated medical device transmits a signal of image data to an external reception apparatus that is placed outside the body. The medical apparatus is different from the external reception apparatus. The medical apparatus comprises a communication section that is capable of at least receiving the image data of the image from the external reception apparatus, a drive power supply section including a battery for supplying a driving power at least to the communication section; and a display section for displaying at least the received image data.

Claim 38 is directed to the drive power supply section and its capability of supplying the driving power from an external power supply. Claim 39 is directed to the medical apparatus further including a signal processor which processes the image data to display the image and

BEST AVAILABLE COPY

Claim 40 is directed to the communication section being capable of transmitting data to the external reception apparatus. No new matter has been added by way of the added claims. For example, support therefor can be found at Figure 13 and pages 29-31.

Applicant submits that none of the cited references teach, suggest or render obvious each and every limitation of the new claims.

Specifically, the Examiner has cited Gazdzinski, U.S. Patent Pub. 2002/0103417, Glukhovsky et al., U.S. Patent 6,709,387 (hereinafter "Glukhovsky"), Takahashi, Tanii et al., ("Tanii") and Cho et al., ("Cho") against the previous claims of record.

Gazdzinski only discloses an internal smart probe or capsule and not an external medical apparatus. Takahashi discloses an electronic endoscope for displaying a body cavity image on a TV monitor. Takahashi is concerned with adjusting the brightness of an object image. Tanii discloses various endoscopes. None of the endoscopes are capsules.

Glukhovsky and Cho disclose a medical capsule device and an external receiving device. The external receiving device or image receiver in Glukhovsky receives the image device directly from the medical capsule device. It is not a medical apparatus different from the external receiving device.

Cho discloses an external receiver having communication functions directly to and from the medical capsule device. Cho does not disclose that the device is different from the external receiving device that receives a signal from the internal medical capsule.

Additionally, Applicant submits that the claimed invention is patentably distinct from Iddan et al., U.S. Patent 5,604,531 ("Iddan"). Iddan is submitted in a concurrently filed information disclosure statement. Iddan fails to teach a medical apparatus adapted for use with a capsulated medical apparatus and a drive power supply section including a battery for supplying

BEST AVAILABLE COPY


a driving power at least to the communication section. Additionally, Iddan fails to teach a medical apparatus that is placed outside of a body and is different from the external reception apparatus. Accordingly, Applicant submits that Claim 37 is patentable.

Furthermore, Applicant submits that Fujita et al., United States Patent No. 7,061,523, Segawa et al., United States Patent No. 7,076,284 and Yokoi et al., United States Patent No. 6,951,536 fails to teach the claimed external medical device that is placed outside of a body and is different from the external reception apparatus. Segawa, Fujita and Yokoi are being filed herewith in an IDS.

Moreover, Applicant notes that none of the cited references and the references submitted in the information disclosure statement concurrently filed teach a medical apparatus that comprises a signal processor which processes the image data to display the image, as recited in Claim 39 and that the communication section is capable of transmitting data to the external reception apparatus, as recited in Claim 40.

Accordingly, based upon the foregoing, Applicant submits that the application is in condition for allowance. Applicant also notes that Applicant is willing to have a telephone interview with the Examiner prior to the Examiner issuing an Official Action to expedite prosecution of this matter. Applicant respectfully requests that the Examiner call the undersigned, Applicant's attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,


Seth Weinfeld
Registration No: 50,929

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza, Suite 300
Garden City, New York 11530
516-742-4343
SW:ae